



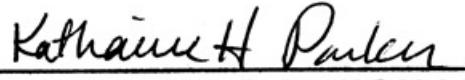
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November 8, 2017

BY ECF

The Honorable Katharine H. Parker
 United States Magistrate Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

APPLICATION GRANTED


Hon. Katharine H. Parker, U.S.M.J.

11/9/2017

**Re: *City of Almaty, Kazakhstan, et al. v. Mukhtar Ablyazov, et al.*,
 Case No. 15 Civ. 5345 (AJN) (KHP)**

Dear Judge Parker:

We represent the City of Almaty, Kazakhstan and BTA Bank (the “Kazakh Entities”). We write regarding the Court’s recent Order scheduling an evidentiary hearing in connection with the leaking of the entire confidential transcript of the deposition testimony of Kenges Rakishev (the “Transcript”), and specifically, the Court’s instruction that “[t]o the extent the parties wish to present witnesses by telephone and/or video, they must make the application by no later than November 8, 2017.” [ECF No. 458].

We have conferred with counsel for Triadou and the Khrapunovs and have agreed to work in good faith to stipulate to as many facts as possible and to identify for live testimony only those witnesses for whom cross examination is needed. We have also agreed to identify the witnesses needed for live testimony by November 15, 2017. Subject to the Court’s approval, any other witness testimony will be presented either by affidavit or stipulation. In the interim, out of an abundance of caution and with the expectation that most of the witnesses identified below will not need to provide live testimony at all, the Kazakh Entities respectfully make the following requests for permission to present testimony from witnesses by telephone or video.

- 1) **Magna Legal Services:** The Kazakh Entities respectfully request permission to present testimony by telephone from Joseph Palermo, Michael Cline and Rosalie Margolis, all of whom either do not work in the New York City area or have previous commitments to be outside of New York City on the day of the hearing.
- 2) **Boies Schiller Flexner:** The Kazakh Entities expect to call various attorneys, paralegals, and non-attorney staff from Boies Schiller Flexner. Of course, certain BSF personnel will be available in Court, but the Kazakh Entities respectfully request permission to have any other Boies Schiller Flexner witnesses testify by telephone.
- 3) **The Khrapunovs:** The Kazakh Entities intend to question Ilyas Khrapunov and Victor Khrapunov, both of whom have applied for permission to testify by telephone.
- 4) **Mukhtar Ablyazov:** The Kazakh Entities intend to call Mukhtar Ablyazov as a witness. To the extent that Ablyazov will refuse to personally attend the hearing, the Kazakh Entities respectfully request permission to present his testimony by phone or videoconference.
- 5) **Kazakh Entities:** The Kazakh Entities do not presently intend to call representatives of the City of Almaty or BTA Bank as witnesses because, as set forth in our prior

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papers, the Transcript was never sent to them. To the extent that it may become necessary to call a representative of either of the Kazakh Entities, or should any of the defendants wish to call them, we respectfully request permission to present testimony by telephone from representatives of the City of Almaty and BTA Bank.

- 6) Triadou: At this time, the Kazakh Entities do not intend to offer testimony from a Triadou representative. A Triadou witness may be necessary, however, if the parties cannot agree to stipulated facts with respect to Triadou. Accordingly, in the event that Triadou does not intend to have its representatives available in Court for the hearing, the Kazakh Entities respectfully request permission to have a Triadou witness testify by phone if needed.

Respectfully,

/s/ Peter M. Skinner
Peter M. Skinner
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